

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC, Plaintiff, v. THE VANGUARD GROUP, INC., Defendant.	CIV. A. NO. 6:12-cv-543-MHS (LEAD CASE)
EMG TECHNOLOGY, LLC, Plaintiff, v. THE TJX COMPANIES, INC., Defendant.	CIV. A. NO. 6:12-cv-904-MHS (CONSOLIDATED CASE)
EMG TECHNOLOGY, LLC, Plaintiff, v. J.C. PENNEY CORP., INC., Defendant.	CIV. A. NO. 6:12-cv-905-MHS (CONSOLIDATED CASE)
EMG TECHNOLOGY, LLC, Plaintiff, v. COACH, INC., Defendant.	CIV. A. NO. 6:13-cv-029-MHS (CONSOLIDATED CASE)
EMG TECHNOLOGY, LLC, Plaintiff, v. WILLIAMS-SONOMA, INC., et al., Defendant.	CIV. A. NO. 6:13-cv-31-MHS (CONSOLIDATED CASE)

P.R. 4-5(d) JOINT CLAIM CONSTRUCTION CHART

Pursuant to Patent Local Rule 4-5(d), and the Court's Fifth Amended Scheduling and Discovery Order (Dkt. 139), Plaintiff EMG Technology, LLC and Defendants The Vanguard Group, Inc., The TJX Companies, Inc., J.C. Penney Corp., Inc., Coach, Inc., and Williams-Sonoma, Inc. (the "Parties") submit this Joint Claim Construction Chart by electronic filing.

Exhibit A submitted herewith contains the asserted claims for the patent-in-suit, U.S. Patent No. 7,441,196 (the "'196 Patent"), with the disputed terms highlighted in bold and underlined.

Exhibit B submitted herewith contains in chart form the disputed terms, the Parties' respective proposed constructions for the disputed terms, as well as the constructions on which the Parties have reached agreement.

Dated: November 8, 2013

Respectfully submitted,

/s/ Charles Ainsworth

/s/ Timothy J. Carroll with permission

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
903-531-3535
903-533-9687
charley@pbatyler.com
rcbunt@pbatyler.com

**ATTORNEYS FOR PLAINTIFF
EMG TECHNOLOGY, LLC**

Timothy J. Carroll
PERKINS COIE LLP
131 S. Dearborn Street
Suite 1700
Chicago, IL 60603
Tel: 312.324.8400
Fax: 312.324.9400
tcarroll@perkinscoie.com

Shannon Dacus
Texas Bar No. 00791004
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
903-705-1117 (phone & fax)
sdacus@dacusfirm.com

**ATTORNEYS FOR DEFENDANT
THE VANGUARD GROUP, INC.**

/s/ R. David Donoghue with permission

R. David Donoghue
Anthony J. Fuga
Felisa L. Leisinger
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th floor
Chicago, IL 60603
Tel: (312) 263-3600
Fax: (312) 578-6666
david.donoghue@hklaw.com
anthony.fuga@hklaw.com
felisa.leisinger@hklaw.com

Michael C. Smith
State Bar Card No. 18650410
SIEBMAN, BURG, PHILLIPS &
SMITH, LLP
113 E. Austin Street
Marshall, TX 75671
(903) 938-8900 (t)
(972) 767-4620 (f)
michaelsmith@siebman.com

**ATTORNEYS FOR DEFENDANT
THE TJX COMPANIES, INC.**

/s/ Diane K. Lettelleir with permission

Diane K. Lettelleir
Texas Bar No. 12241525
J.C. Penney Corporation, Inc.
6501 Legacy Drive (MS 1122)
Plano, Texas 75024
Tel: (972) 431-5012
Fax: (972) 531-5012
dlettell@jcpenny.com

**ATTORNEYS FOR DEFENDANT
J.C. PENNEY CORPORATION, INC.**

/s/ Andrew P. Zappia with permission

Andrew P. Zappia
Wendell W. Harris
LECLAIRRYAN, A Professional Corporation
70 Linden Oaks, Suite 210
Rochester, New York 14625
Tel: 585-270-2100
Fax: 585-270-2179
Andrew.Zappia@leclairryan.com

J. Thad Heartfield
State Bar No. 09346800
thad@jth-law.com
M. Dru Montgomery
State Bar No. 24010800
dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Tel: 409-866-3318
Fax: 409-866-5789

**ATTORNEYS FOR DEFENDANT
COACH, INC.**

/s/ James G. Gilliland, Jr. with permission

James G. Gilliland, Jr.
Robert D. Tadlock
KILPATRICK TOWNSEND &
STOCKTON, LLP
1080 Marsh Road
Menlo Park, CA 94025
Tel: 415-576-0200
Fax: 415-576-0300
jgilliland@kilpatricktownsend.com
rtadlock@kilpatricktownsend.com

**ATTORNEYS FOR DEFENDANTS
WILLIAMS-SONOMA, INC.**

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and the Local Rules, I hereby certify that all counsel of record who have appeared in this case are being served today with a copy of the **P.R. 4-5(d) JOINT CLAIM CONSTRUCTION CHART (with attached Exhibits A-B)** via the Court's ECF/CM System.

Dated: November 8, 2013

/s/ Charles Ainsworth
Charles Ainsworth

CERTIFICATE OF CONFERENCE

I hereby certify that the Parties have conferred in accordance with LR CV-7(h), and that this joint filing has been agreed upon.

Dated: November 8, 2013

/s/ Charles Ainsworth
Charles Ainsworth